

# KING & SPALDING

King & Spalding LLP  
1185 Avenue of the Americas, 34<sup>th</sup> Floor  
New York, NY 10036-2601  
Tel: +1 212 556 2100  
Fax: +1 212 556 2222  
www.kslaw.com

Craig Carpenito  
Partner  
Direct Dial: +1 212 556 2142  
CCarpenito@kslaw.com

April 22, 2025

**VIA ECF**

Honorable Leo M. Gordon  
United States District Court  
District of New Jersey  
2 Federal Square  
Newark, NJ 07102

**Re:    *State of New Jersey v. U.S. Dep’t of Transportation et al.*, No. 2:23-cv-03885**

Dear Judge Gordon:

We write on behalf of the State of New Jersey regarding two matters. First, we respond to the Notice of Supplemental Authority filed by the Intervenor-Defendants on April 18, 2025 (ECF No. 250). Intervenor-Defendants direct the Court to Section III of the attached opinion dated April 17, 2024. Notably, Section III contains much of the same analysis from the authority previously filed with the Court (ECF No. 159-1). New Jersey responded to this filing by letter dated June 21, 2024 (ECF No. 160) and explained the many ways that opinion is distinguishable from this case. We refer the Court to this letter to respond to the new April 18 filing.

Second, with the withdrawal of the motion to stay (ECF No. 248), New Jersey respectfully requests the Court take this matter under submission and issue its final ruling to grant in part New Jersey’s motion for summary judgment (ECF No. 191) and to “set aside” the Federal Highway Administration’s “action, findings, and conclusions” approving the Final Environmental Assessment and Finding of No Significant Impact. 5 U.S.C. § 706(2).

Respectfully submitted,

/s/ Craig Carpenito  
Craig Carpenito

cc: All counsel of record (via ECF)